
The original instrument was prepared by Cheryl Horne. The following digest, which does not constitute a part of the legislative instrument, was prepared by Laura Gail Sullivan.

DIGEST

Morrish (SB 207)

Proposed law requires a health insurance issuer to file information related to any proposed increase in base premium with the commissioner. Further requires the issuer to file with the commissioner, no later than 120 days in advance of the anticipated effective date of the increase, a preliminary justification for each product affected by the increase. Provides for specific information to be included in the preliminary justification. Requires the commissioner to ensure that the information received from the health insurance issuer be made available to the public on the department of insurance website.

Proposed law requires the commissioner to evaluate the proposed rate increase within 60 days of receipt of a filing by a health insurance issuer. Further provides information that shall be included in the commissioner's review of the proposed rate, as well as the criteria the commissioner shall use to determine whether a rate increase is excessive, unjustified, or unfairly discriminatory. Specifies that if the issuer does not receive a final determination within 60 days, the proposed rate increase shall be deemed reasonable.

Proposed law requires a summary of the rate increase information submitted by the insurance issuer to be published on the department's website within 15 days of the submission. Specifies that the public shall have 30 days after publication to submit comments. Prohibits the commissioner from releasing information provided by the health insurance issuer that the issuer has indicated is confidential.

Proposed law requires an approved rate increase to be implemented within 90 days of the effective date documented in the issuer's filing. Provides that if the rate is implemented more than 90 days after approval, the rate shall be void.

Proposed law provides that proposed law shall expire and become void after a final, nonappealable judgment by the US Supreme Court that includes the merits of the provisions of Section 2794 of the Public Health Service Act and that rejects the validity of such provisions, together with any and all federal regulations promulgated in accordance therewith by any federal agency. Additionally provides that proposed law shall become null and void immediately upon congressional repeal of Section 2794 of the Public Health Service Act.

Effective August 1, 2012.

(Adds R.S. 22:1098)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill.

1. Provides for additional definitions.
2. Increases the time allowed for the commissioner to evaluate the proposed rate increase from 45 days to 60 days.
3. Requires a summary of the rate increase information submitted by the insurance issuer to be published on the department's website within 15 days of the submission. Specifies that the public shall have 30 days after publication to submit comments.
4. Requires an approved rate increase to be implemented within 90 days of the effective date documented in the issuer's filing. Provide that if the rate is implemented more than 90 days after approval, the rate shall be void.
5. Revises the effective date language.